

REMARKS

In response to the above-identified Office Action (“Action”), Applicant traverses the Examiner’s rejection to the claims and seeks reconsideration thereof. Claims 1-5 and 7-28 are pending in the present application. Claims 2-5 and 12-28 remain withdrawn. Claims 1 and 7-11 are rejected. In this response, claim 1 is amended, claims 21-28 are cancelled and claims 29-31 are added.

I. Claim Amendments

Applicant respectfully submits herewith amendments to claim 1. Withdrawn claims 21-28 are cancelled.

Claim 1 is amended to recite the elements of “a second segment perpendicular to the first segment with a cavity having an enclosed cross-section formed therein that occupies a substantial portion of the second segment and runs lengthwise through a substantial part of the elongated portion.” Support for the amendments to claim 1 may be found, for example, in Figure 3 of the Application.

New claim 29 recites a window framing system wherein the first segment and the second segment are integrally formed with one another. Claims 30 and 31 further add the elements of an enclosed cavity and the sub-frame and the base made of a continuous piece of extruded aluminum. Support for new claims 29-31 may be found, for example, in Figure 3 and the previously presented claims.

Applicant respectfully submits the amendments do not add new matter and are supported by the specification. Accordingly, Applicant respectfully requests consideration and entry of the amendments to claim 1 and new claims 29-31.

II. Claim Rejections – 35 U.S.C. §102

A. In the outstanding Action, claims 1, 7 and 9-11 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,115,964 issued to Montrouil (“Montrouil”).

It is axiomatic to a finding of anticipation that each and every element of the rejected claim be found within a single prior art reference.

In regard to independent claim 1, Applicant respectfully submits that Montrouil fails to teach at least the element of “b) a second segment perpendicular to the first segment with *a cavity having an enclosed cross-section formed therein that occupies a substantial portion of the second segment* and runs lengthwise through a substantial part of the elongated portion” (emphasis added) as recited in amended claim 1.

Montrouil generally discloses a window frame assembly. See Montrouil, Abstract. The Examiner alleges that structures 4, 95 disclose the subframe and the top part of feature 7 disclose the claimed second segment cavity running lengthwise through a substantial part of the elongated portion. See Action, page 3. This portion of Montrouil, however, is not an enclosed cavity within the second segment and does not occupy a substantial portion of the second segment as claimed. Rather the structure relied upon by the Examiner is a notch having an opening in the direction of weather seal material 97 and occupies only a small portion of the second structure.

Applicant further maintains that as argued in the previous response, Montrouil does not explicitly disclose that the notch runs lengthwise through a substantial portion of the elongated portion. Rather, Montrouil appears to be silent as to the lengthwise dimensions of the notch. Thus, it is questionable whether, as maintained by the Examiner on page 4 of the Action, the notch runs lengthwise through a substantial portion of the elongated portion.

Since Montrouil fails to teach each and every element of claim 1, claim 1 is not anticipated by the cited prior art reference. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. §102 over Montrouil.

In regard to claims 7 and 9-11, these claims depend from claim 1 and incorporate the limitations thereof. Thus, for at least the reasons that claim 1 is not anticipated by Montrouil, claims 7 and 9-11 are further not anticipated by the cited prior art reference.

Applicant further notes that in regard to dependent claim 11, the Examiner has not pointed to and Applicant is unable to discern, a portion of Montrouil teaching the additional element of “wherein each of the sub-frame and the base is essentially made of a continuous piece

of extruded aluminum” as recite in claim 11. As can be seen from Figure 2 of Montrouil, the alleged subframe includes structure 95 which must be separable from structure 4 to allow for insertion of fastener 10 through structure 95.

Thus, for at least the foregoing reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 7 and 9-11 under 35 U.S.C. §102 over Montrouil.

B. In the outstanding Action, claims 1 and 7-8 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,746,032 issued to Koike et al. (“Koike”).

In regard to independent claim 1, Applicant respectfully submits that Koike fails to teach at least the element of “b) a second segment perpendicular to the first segment with *a cavity having an enclosed cross-section formed therein that occupies a substantial portion of the second segment* and runs lengthwise through a substantial part of the elongated portion” (emphasis added) as recited in amended claim 1.

Koike generally discloses a structure for attaching a lower transverse frame member of a sash to a lower edge portion of a building opening. See Koike, Abstract. The Examiner alleges that structures 22, 8 disclose the subframe and the recess at the top of where structure 22 in Figure 2 discloses the claimed second segment cavity running lengthwise through a substantial part of the elongated portion. See Action, page 4. This portion of Koike, however, is not an enclosed cavity within the second segment and does not occupy a substantial portion of the second segment as claimed. Rather the structure relied upon by the Examiner has an opening and occupies only a small portion of the second structure.

Since Koike fails to teach each and every element of claim 1, claim 1 is not anticipated by the cited prior art reference. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. §102 over Koike.

In regard to claims 7-8, these claims depend from claim 1 and incorporate the limitations thereof. Thus, for at least the reasons that claim 1 is not anticipated by Koike, claims 7-8 are further not anticipated by the cited prior art reference. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 7-8 under 35 U.S.C. §102 over Koike.

III. New Claims

As previously discussed, new claim 29 recites a window framing system wherein the first segment and the second segment are integrally formed with one another. Claims 30 and 31 further add the elements of an enclosed cavity and the sub-frame and the base made of a continuous piece of extruded aluminum. For at least the reasons previously discussed, neither Montrouil nor Koike disclose each of these elements.

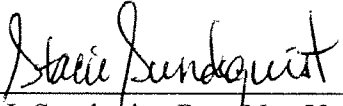
CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely claims 1-5, 7-20 and 29-31, are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. Questions regarding this matter should be directed to the undersigned at (310) 207-3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

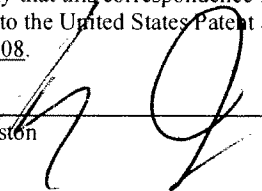
Dated: August 27, 2008

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web to the United States Patent and Trademark Office on August 27, 2008.


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